IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.V.K.BALI
&
THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 21ST DECEMBER 2006 / 30TH AGRAHAYANA 1928

W.A.No.2267 of 2006

JUDGEMENT IN W.P.(C).26930/2004-E DATED 09/08/2006
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APPELLANT: PETITIONER:-

P.K.KARTHIKEYAN, S/O.P.GOVINDAN NAIR,
AGED 60 YEARS, `ROCHYD', KARIMKULAM,
ELAVAMCHERY P.O., PALAKKAD DISTRICT,
PIN-678 508.

BY ADV. SRI.P.A.ABDUL JABBAR

RESPONDENTS: RESPONDENTS:-
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1. BHARAT SANCHAR NIGAM LTD.,
   (A GOVT. OF INDIA ENTERPRISE),
   REPRESENTED BY ITS GENERAL MANAGER, PALAKKAD.

2. ASST.GENERAL MANAGER (ADMN),
   OFFICE OF GENERAL MANAGER, TELECOM,
   PALAKKAD.

BY ADV. SRI.C.S.RAMANATHAN, STANDING COUNSEL FOR BSNL.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 21/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.K.Bali,C.J. & C.N.Ramachandran Nair,J.

W.A.No.2267 of 2006

Dated, this the 21st day of December, 2006

JUDGMENT

V.K.Bali,C.J. (Oral)

In this Writ Appeal challenge is to the order dated 9th August, 2006 passed by the learned Single Judge in W.P.(C). No.26930 of 2004(E). The appellant, who is the petitioner in the original lis, is working as Telecom Technical Assistant Grade-IV. The petitioner has, indeed, been promoted with effect from 1.1.2004 against a retirement vacancy which arose on 31.10.2003, but his case is that the promotion ought to have been with retrospective effect from 1.7.2001. Learned Single Judge took into consideration the contention aforesaid and found that no junior of petitioner was promoted earlier to him. Reference was given in the judgment with regard to promotion given to other persons earlier to the petitioner, who were seniors to him. In the circumstances mentioned above, learned Single Judge had not given promotion to the petitioner with effect from

the desired date, but, however, inasmuch as there was delay in promoting the petitioner, it was directed that he was to be promoted with effect from 1.11.2003 with all consequential benefits. We do not find any illegality or infirmity in the order passed by the learned Single Judge as, surely, the petitioner could not show any cogent reason to steal a march over his seniors. No merits. Dismissed.

V.K.Bali
Chief Justice

C.N.Ramachandran Nair
Judge

vku/-